

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-25409-2020 (O&M)

Date of decision : 17.09.2020

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Neeraj Madaan, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Piyush Sharma, Advocate for the first informant.

ANIL KSHETARPAL, J. (ORAL)

On 01.09.2020, the following order was passed by this Court:-

“Hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.02, dated 24.06.2020, registered under Section 498A/ 406 IPC, at Police Station NRI Ferozepur, District Ferozepur.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Ferozepur, in para 2 of the order dated 20.08.2020, which is extracted as under:-

“2. The present case has been registered on the basis of the application moved by Ramandeep Kaur complainant to the police, wherein it is alleged that her ring ceremony with Balraj Singh was performed by her parents on 28.09.2014 and the date of marriage was fixed as 03.12.2015. On 20.11.2015,

Harpal Singh, Jarnail Singh, Baljeet Kaur and Palwinder Kaur came to their house and told that so many rich families are ready to get marry their daughters with Balraj singh and spend Rs.60/70 lacs for the marriage, as about 31 acres land come to the share of Balraj Singh, so her parents must give Rs.45 lacs in cash to Balraj Singh to enhance his work and they gave two days time to her parents to think. Harpal Singh etc told that if they will not fulfill their demand then Balraj Singh will not bring his 'barat' at her house. Her parents requested them that they can arrange only Rs.39 lacs and Harpal Singh etc accepted the request and said the amount should be in cash only. On 01.12.2015, Harpal Singh, Avtar Singh and Jarnail Singh came to her house and received an amount of Rs.39 lacs in cash from her parents. On 03.12.2015, her marriage had taken place with Balraj Singh. Her parents handed over two sets of gold worth Rs.4 lacs to Baljeet Kaur at the time of marriage which has not been returned to her despite her request. After completing the ceremony of 'Muklaw Fera', Balraj Singh and other family members started torturing and insulting her on account of less dowry. After 2/3 days of her marriage Balraj Singh snatched her ATM card and he enjoyed with her entire amount of salary against her desire. After marriage, she came to know that Balraj Singh used to take liquor and other intoxicants. After one month of her marriage, Balraj Singh, Harpal Singh and Avtar Singh forced her to bring Scooty from her father. In the month of January 2016, Balraj Singh prepared papers for taking personal loan of Rs.3,48,261/- by her from HDFC Bank and compelled

her to put her signatures upon the papers and on 05.02.2016, after withdrawing Rs.3,50,000/- from her bank account, she had to give said amount to Balraj Singh. On 04/06.04.2016, Balraj Singh and his parents gave abuses to her by the name of her parents and also gave beatings to her and they called her parents and refused to keep her in the matrimonial house. On 08.06.2016 she was turned out from her matrimonial house. On 26.05.2017 a panchaya was convened by them, but Balraj Singh and others were not ready keep her and were ready to give lump sum amount of Rs.35 lacs and a writing was also executed in this regard. The above said persons had made a conspiracy to exploit her again and on 01.07.2017 Balraj Singh and her parents were ready to rehabilitate her with a pre condition that she will bring amount equal to her salary from June 2016 to June 2017 and will hand over her ATM card to Balraj Singh. Rs.1,05,000/- was brought by her in her bank account and on 11.08.2017 Rs.95,000/- was deposited by her father in her bank account which was later on withdrawn by Balraj Singh. It is further averred that in the month of August, 2017 their visa was applied through a joint file by Balraj Singh which was accepted. Sponsor letter was sent by Rajvinder Singh from Canada on the pretext that there is ceremony of 'Dastar Bandi' of his son Akhand Brar. In the mean time, Balraj Singh induced her to take personal loan of Rs. five lacs on the pretext of shortage of amount and after deducting the amount of her earlier loan, remaining amount of Rs. 2,79,471/- was deposited by the bank in her account on 08.12.2017. He obtained some her blank signed

cheques and gave the same to his father Avtar Singh by Balraj Singh whereby the above said amount was withdrawn by Avtar Singh, when she was at Canada. On 12.12.2017, she and Balraj Singh went to Canada. After reaching Canada, Balraj Singh, Rajwinder Singh Brar and Harjit Kaur treated her with cruelty and threatened to kill her and her six months child in her womb. On 26/27.01.2018 she ran away from the house. As there was no place of her residence at Canada, so she requested the police to provide her passport from Balraj Singh and she came to India on 30.01.2018. On 11.02.2018, she along with her parents came to her matrimonial house where Avtar Singh, Kuldeep Kaur, Harpal Singh, Jarnail Singh, Baljeet Kaur and Palwinder Kaur were already present, who turned them out from matrimonial house after abusing and pushing them by saying that she can only enter her matrimonial house after coming Balraj Singh in India. On 16.05.2018 she had given birth to Sehas Singh Sidhu at Navjeevan Hospital (Dr. Renu Dhuria), Fazilka. That even after passing a long period, when Balraj Singh has not come back to India, then in these compelling circumstances, at about 7.00 p.m on 04.10.2019, she along with her parents and brother and respectables went to the house of Balraj Singh where Avtar Singh, Kuldeep Kaur, Harpal Singh, Baljeet Kaur @ Raman, Jarnail Singh, Parvinder Kaur were present and requested them to rehabilitate her along with her son but Avtar Singh etc openly told that if she will bring Rs. 20 lacs along with her, then they will allow her to live in the house and they refused to accept the request of panchayat. At this,

the panchayat told Avtar Singh and others to return the amount which was taken from the parents of the girl time to time, but, they refused to return the same and also refused to return her two sets of jewelery.”

Learned counsel for the petitioner contends that the first informant is posted as a lady constable in the office of Superintendent of Police (Vigilance). He further contends that the petitioner has been sought to be falsely indicted as an accused in the case.

Notice of motion, for 17.09.2020.

On the request of this Court, Mr. Dhruv Dayal, Sr. DAG, Punjab, accepts notice on behalf of the State and Mr. Piyush Sharma, Advocate, accepts notice on behalf of the first informant.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the State, on instructions from ASI Ramesh Kumar, has informed the Court that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view thereof, the order dated 01.09.2020, is made absolute.

Accordingly, the present petition is allowed.

17.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**